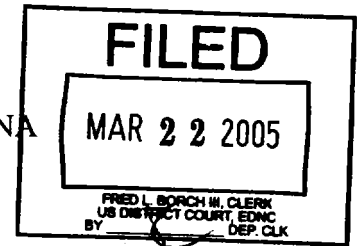


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
NO: 5:04-C4-211-1



UNITED STATES OF AMERICA)
)
 v.)
)
 DAVID A. PASSARO)

MOTION FOR LEAVE TO INTERVENE

The Washington Post Company, the Associated Press, and the News & Observer Publishing Co., respectfully move this Court for leave to intervene in this proceeding for the limited purpose of asserting and protecting their and the people's presumptive right of access to judicial documents and proceedings, as conferred by the First Amendment to the Constitution of the United States; Article I, §§ 14, 18 and 24 of the North Carolina Constitution; and common law. Specifically, movants seek to intervene so that they may move the Court to revisit and partially vacate certain sealing orders on the grounds that the parties who seek the sealing of the pleadings have not and cannot make a showing of compelling need for the sealing sufficient to overcome the movants' and the public's presumptive right of access to judicial pleadings. In support of this Motion to Intervene, the movants show the following:

1. WP Company LLC d/b/a *The Washington Post* is a Delaware corporation whose principal place of business is located in the District of Columbia. The company publishes The Washington Post, a leading newspaper with a nationwide daily circulation of over 759,000 and a Sunday circulation of over 1.03 million. The newspaper is a wholly-owned subsidiary of The Washington Post Company, a publicly held corporation.

2. The Associated Press, founded in 1848, is the world's oldest and largest newsgathering organization, providing content to more than 15,000 news outlets. Its multimedia services are distributed by satellite and the Internet to more than 120 nations.

3. The News & Observer Publishing Company is a North Carolina corporation whose principal place of business is located in Raleigh, Wake County, North Carolina. The company owns and publishes *The News & Observer*, a daily newspaper of general circulation in Raleigh, Wake County, North Carolina and throughout North Carolina.

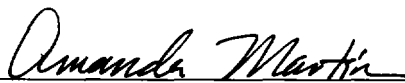
4. The movants do not have any legal interest in the merits or outcome of this prosecution and wish to intervene solely for the purpose of protecting their rights and the rights of the public, pursuant to the North Carolina Public Records Law, the common law, the North Carolina Constitution and the United States Constitution to attend judicial proceedings and inspect and copy any attendant documents.

5. Allowing the movants to intervene will allow them to protect the public's interest in access to judicial records and attending judicial proceedings.

6. Movants have been denied access to the judicial pleadings, which are public records.

WHEREFORE, the Movants respectfully move the Court to permit their intervention, to permit them to file a motion and brief requesting access to certain records that previously have been sealed in this cause.

Respectfully submitted this 22nd day of March, 2005.



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CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that the foregoing Motion for Leave to Intervene was served on all parties of record by depositing true copies thereof with the United States Postal Service, first-class postage prepaid, addressed to the following:

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This the 22nd day of March, 2005.



C. Amanda Martin